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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,006	09/20/2006	Quentin Baillia-Prel	0579-1128	1367

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YOUNG & THOMPSON
209 Madison Street
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Alexandria, VA 22314

EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3674

NOTIFICATION DATE	DELIVERY MODE
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10/19/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary	Application No. 10/588,006	Applicant(s) BAILLIA-PREL, QUENTIN	
	Examiner CARLOS LUGO	Art Unit 3674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,3-5,9-12,16-24,26-28,30-34,36 and 37 is/are pending in the application.
- 5a) Of the above claim(s) 12 and 16-21 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3-5,9-11,22-24,26-28,30-34,36 and 37 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

This Office Action is in response to applicant's amendment filed on August 24, 2011.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 22-24, 26-28, 30, 31, 33, 34, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,312,528 to Hall et al (Hall).

Hall discloses a panic bar assembly that comprises a fixing part (31) having an abutment (ends of 38); a bolt operating member (45 and 46) adapted to operate a bolt; and a crash bar.

The crash bar comprises a longitudinal extending profiled member (32) pivotally attached to the fixing part along a longitudinal axis (at 36), a stop (37), a maneuvering portion (48) positioned between the stop and the longitudinal axis, and lateral shells (50).

The stop portion (37) is located on a second elongated edge portion of the profiled member that is located opposite to a first elongated edge portion where the pivot axis (36) is located.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 9 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,312,528 to Hall et al (Hall).

As to claim 3, Hall fails to disclose that the longitudinal axis is located at a lower section, and the stop at an upper section. Hall discloses the opposite.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the stop at an upper section and the axis at a lower section, since the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art.

As to claim 9, Hall fails to disclose that the stop is in the form of a rim. Hall discloses that the stop (37) is a pin that is secured in a slotted tube portion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the stop described by Hall, as a rim shape, since a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

As to claim 32, Hall fails to disclose that the maneuvering portion is curved. Hall illustrates that the maneuvering portion (48) is plane.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the maneuvering portion described by Hall, with a curved shape, since a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,312,528 to Hall et al (Hall) in view of US Pat No 3,969,845 to Yulkowski.

Hall fails to disclose that the pivot is a bead that engages a slotted tube on the fixing part. Hall discloses that the pivot is at the fixing part and is in the form of a pin that is accepted in a slotted tube that is on the profiled section.

Yulkowski teaches that it is well known in the art to provide a pivoting section that comprises a bead (7) inserted in a slotted tube part (11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pivot at the profiled section and the slotted tube at the fixing part, since the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art.

Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a bead instead of a pin, as taught by Yulkowski, since a change in the shape of a prior art device is a design consideration within the level of skill of one skilled in the art.

Allowable Subject Matter

Claims 5 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

First, the last Office Action was a non-final action because the examiner reopens prosecution. Therefore, the RCE filed on August 18, 2011 was improper. The Office mailed a notice on August 24, 2011.

As to the current amendment to the claims, the current amendment overcomes the previous rejection of the claims in view of Campbell. Therefore, this rejection has been withdrawn.

With respect to the rejection in view of Hall, the arguments are not persuasive. Hall discloses that the stop portion (37) is located on a second elongated edge portion of the profiled member that is located opposite to a first elongated edge portion where the pivot axis (36) is located.

Further, Hall discloses that the maneuvering portion (48) is positioned between the stop and the longitudinal axis.

As to the arguments with respect to Hall, alone or in view of Yulkowski (103 rejection), the arguments are not persuasive.

Therefore, the rejection is maintained. Prosecution has been closed. Applicant has the right to either file a pre appeal request or an appeal brief on the matter.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS LUGO whose telephone number is (571)272-7058 **interviews by phone only**. The examiner can normally be reached on 10-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Beach can be reached on 571-2726988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lugo/
Primary Examiner
Art Unit 3674

October 12, 2011.